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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR                   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|--|---------------------|------------------|
| 10/550,875   | 09/27/2005  | Adrianus Wilhelmus Maria Van Den Enden | NL03 0297 US1       | 1747             |
| 24738  | 7590        | 05/17/2007                             | EXAMINER            |                  |
| PHILIPS ELECTRONICS NORTH AMERICA CORPORATION<br>INTELLECTUAL PROPERTY & STANDARDS<br>1109 MCKAY DRIVE, M/S-41SJ<br>SAN JOSE, CA 95131 |             |  | JEAN PIERRE, PEGUY  |                  |
| ART UNIT   |             | PAPER NUMBER                           |                     |                  |
| 2819   |             |  |                     |                  |
| MAIL DATE  |             | DELIVERY MODE                          |                     |                  |
| 05/17/2007   |             | PAPER                                  |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| <b>Office Action Summary</b> | <b>Application No.</b>       | <b>Applicant(s)</b>  |  |
|------------------------------|------------------------------|----------------------|--|
|                              | 10/550,875                   | VAN DEN ENDEN ET AL. |  |
|                              | Examiner<br>Peguy JeanPierre | Art Unit<br>2819     |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 3/20/2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1 and 9-12 is/are rejected.

7)  Claim(s) 2-8 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5)  Notice of Informal Patent Application

6)  Other: \_\_\_\_\_

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Menkhoff et al. (USP 6,137,349).

With regard to claims 1 and 9-11 Menkhoff et al. disclose a sample rate converter that comprises a interpolator (2), a decimator (4) that is coupled to the fixed interpolator via a time variant interpolation filter that converts the sample rate of the interpolation filter (2). Hence, time variant filter (3) will act as a sample rate converter. The system comprises a controller (9) that is coupled to provide a control value to the time variant filter (3) (see col. 4, lines 39-50). Figure 2 discloses the input rate and the output rate of the plurality of filters that form the sample rate converter; for instance, an intermediate sampling frequency of 11Mhz is input to the filter (3) and the output is decimated by a factor of 8 (see col. 5, lines 52-67); hence, the output sample rate is less than the input sample rate. Since the sample rate converter is adapted to process data with different sampling rates the ratio of the input to the output varies based the input sampling rate (see col. 2, lines 59-63).

***Allowable Subject Matter***

3. Claims 2-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1 and 9-12 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peguy JeanPierre whose telephone number is (571) 272-1803. The examiner fax phone number is (571) 273-1803.

  
Peguy JeanPierre  
Primary Examiner